

Elder and Long Term Care Committee

Wednesday, March 8, 2006 10:00 AM – 12:00 PM Reed Hall (102 HOB)

Action Packet

Elder & Long-Term Care Committee

3/8/2006 10:00:00AM

Location: Reed Hall (102 HOB)

Attendance:

	Present	Absent	Excused
Hugh Gibson (Chair)	X		
Thomas Anderson	X		
Edward Bullard	X		
Donna Clarke	X	-	
Frank Farkas	X		
John Legg	X		
Carlos Lopez-Cantera	X		
Richard Machek	X		
Franklin Sands	X		
Totals:	9	0	. 0

Elder & Long-Term Care Committee 3/8/2006 10:00:00AM

Location: Reed Hall (102 HOB) **HB 49:** Caregivers for Adults

,	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Thomas Anderson	X				
Edward Bullard	X				
Donna Clarke	X				
Frank Farkas				X	
John Legg	X				
Carlos Lopez-Cantera	X				
Richard Machek	X				
Franklin Sands	X				
Hugh Gibson (Chair)	X				

Appearances:

Caregivers for Adults
Douglas Adkins, Executive Director - Proponent
FLorida Coalition for Assisted Living & Mental Health
P.O. Box 1080
Hilliard Florida

Phone: 904-583-0134

Elder & Long-Term Care Committee

3/8/2006 10:00:00AM

Location: Reed Hall (102 HOB) **HB 243 : Hearing Aid Specialists**

Hugh Gibson (Chair)	X				
Franklin Sands	x				
Richard Machek	X				
Carlos Lopez-Cantera	X				· · · · · · · · · · · · · · · · · · ·
John Legg	X				
Frank Farkas				X	
Donna Clarke				X	
Edward Bullard	X	,			
Thomas Anderson	X				
	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
X Favorable					

Appearances:

Hearing Aid Specialists
Steve Winn (Lobbyist) - Proponent
FL Society of Hearing Healthcare Professionals
P. O. Box 1675

Tallahassee Florida 32302 Phone: 850-878-3056

Elder & Long-Term Care Committee

3/8/2006 10:00:00AM

Location: Reed Hall (102 HOB)

HB 947 : Long-Term Care Coverage

	nklin Sands gh Gibson (Chair)	X X				
	hard Machek	X		.		· · · · · · · · · · · · · · · · · · ·
Car	los Lopez-Cantera	X				
Joh	n Legg	X				
Fra	nk Farkas			·	X	.,
Dor	nna Clarke	X		·		
Edv	vard Bullard			X		
The	mas Anderson	X				
		Yea	Nay	No Vote	Absentee Yea	Absentee Nay

Appearances:

Long Term Care Coverage

Abigail London, Director of Governmental Affairs (Lobbyist) (State Employee) - Proponent

Office of Insurance Regulation

200 E. Gaines St.

Tallahassee Florida 32399 Phone: 850-413-5042

Long Term Care Coverage

Peggy Rigsby, Director of Government Services (Lobbyist) - Proponent

Florida Health Care Association (FHCA)

307

Tallahassee Florida 32301 Phone: 850-224-3907

Long Term Care Coverage

Tim Meenan (Lobbyist) - Proponent

FL Association of Insurance & Financial Advisors

204 S. Monroe Street Tallahassee Florida 32301 Phone: 850-681-6710

Print Date: 3/8/2006 12:40 pm

Elder & Long-Term Care Committee

3/8/2006 10:00:00AM

Location: Reed Hall (102 HOB)

HB 1067 : State Long-Term Care Ombudsman Program

X Favorable With Committ	ee Substitute				
	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Thomas Anderson	X				
Edward Bullard			X		
Donna Clarke	X		-		
Frank Farkas				X	
John Legg	X				
Carlos Lopez-Cantera	X				
Richard Machek	X				
Franklin Sands	X	_			
Hugh Gibson (Chair)	X				
	Total Yeas: 7	Total Nays:	0		

Appearances:

State Long-term Care Ombudsman Program
Brian Lee, State Ombudsman (State Employee) - Proponent
Department of Elder Affairs
4040 Esplanade Way
Tallahassee Florida 32399

Phone: 850-414-2000

Elder & Long-Term Care Committee

3/8/2006 10:00:00AM

Location: Reed Hall (102 HOB)

HB 7027 : Review under the Open Government Sunset Review Act regarding Long-term Care

Facilities

X Favorable					
	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Thomas Anderson	. X				
Edward Bullard	X				
Donna Clarke				X	
Frank Farkas				X	
John Legg	X				
Carlos Lopez-Cantera	X				
Richard Machek	X				
Franklin Sands	X				
Hugh Gibson (Chair)	X				
	Total Yeas: 7	Total Nays: 0	ı		

Elder & Long-Term Care Committee

3/8/2006 10:00:00AM

Location: Reed Hall (102 HOB) Other Business Appearance:

Attorney General's Presentation

LuMarie Polivka-West, Sr. Director (Lobbyist) - Information Only

Florida Health Care Association (FHCA)

307 W. Park Avenue

Tallahassee Florida 32301

Phone: 850-224-3907

Attorney General's Presentation

Spencer D. Levine, Director of Medicaid Fraud Control Unit - Proponent

Office of Attorney General

Capitol

Tallahassee Florida 32399

OPPAGA Presentation

Mary Alice Nye, Sr. Legislative Analyst (State Employee) - Information Only

Office of Program Policy Analysis & Government Accountability

111 W. Madison Street

Tallahassee Florida 32399

Phone: 850-487-9253

OPPAGA Presentation

Jack Cory (Lobbyist) (State Employee) - Proponent

American Eldercare, Inc.

110 E. College Avenue

Tallahassee Florida 32301

Phone: 850-893-0995

Leagis ®

Print Date: 3/8/2006 12:40 pm Page 7 of 8

Elder & Long-Term Care Committee 3/8/2006 10:00:00AM

Location: Reed Hall (102 HOB)

Summary:

Elder & Long-Term Care Committee

Wednesday March 08, 2006 10:00 am

HB 49	Favorable With Committee Substitute	Yeas:	8	Nays:	0
HB 243	Favorable	Yeas:	7	Nays:	0
HB 947	Favorable With Committee Substitute	Yeas:	7	Nays:	0
HB 1067	' Favorable With Committee Substitute	Yeas:	7	Nays:	0
HB 7027	' Favorable	Yeas:	7	Nays:	0

COMMITTEE ATTENDANCE ROLL CALL

The Committee on Elder and Long Term Care met at 10:00 o'clock on 3 8 06

with the following attendance:

Member	Present	Absent*	Excused
Rep. Hugh Gibson, III (Chair) Rep. Thomas Anderson Rep. Edward Bullard			
Rep. Thomas Anderson			
Rep. Edward Bullard			
Rep. Donna Clarke	V,		
Rep. Frank Farkas			
Rep. John Legg			
Rep. Carlos Lopez-Cantera Rep. Richard Machek Rep. Franklin Sands			
Rep. Richard Machek			
Rep. Franklin Sands			
, , , , , , , , , , , , , , , , , , ,			
·			

^{*}A member must be excused by Chair or Speaker. A member answering roll call is presumed "present" thereafter H-52

	ittee on: f Meeting	Elder and Long Term Care 3\8\06 10:00 AAA Reed Hall (102)				Date Neceived			HB	49 givers	, for Adults		
COM	MITTEE	ACTION:				_							
☐ Favo	rabie				Fav	orable wi	ith	_ 1	Amend	ments			
/		Committee Substit	ute		-	avorable			_				
	porarily Pas		ucc			onsidere	_						
		seu				onsidere	i i						•
VOTE				Other Act	ion:								
	al Vote				#1	wo						i	
	Bill	4	MEMBER					LNIevo	Vasa	Mayra	Vaca	l Nove	
Yeas	Nays	Andonon	Th		reas	Nays	reas	Nays	Yeas	inays	reas	Nays	
V	∤	Anderson,				-	 	+	 	 			
V		Bullard, Ed			 	+	 	+	ļ	ļ			
V	-	Clarke, Do			<u> </u>	-	 	-	1	ļ			
	-	Farkas, Fra	ank Absent	Yea		 	<u> </u>	-	-	ļ	<u> </u>		
V		Legg, John			ļ	-		_			ļ		
V,	ļ		tera, Carlos			<u> </u>		ļ	ļ	<u> </u>			
<u> </u>	<u> </u>	Machek, Ri			ļ	<u> </u>	ļ	ļ	Ļ				
<u> </u>	/	Sands, Fra			ļ	<u> </u>		<u> </u>					
	1	Gibson, Hu	gh (Chair)										
					ļ	<u> </u>							
						<u> </u>	<u> </u>	ļ	<u> </u>				
									<u> </u>			<u> </u>	
									<u> </u>				
				,									
				*									
								1		i			
						i -							
							<u> </u>						
						<u> </u>				*			
						 	 	 		 			
													
						<u> </u>	<u> </u>	<u> </u>					
								 	i				
		* D - 10						 					
-								 					
						 							
		· · · · · · · · · · · · · · · · · · ·						 					
						<u> </u>	ļ						
							<u> </u>	 					
						l							
								ļ		 			
								<u> </u>					
								ļ					
								<u> </u>					
				,									
Yeas	Nays			Г	Yese	Nave	Yeas	Nave	Yeas	Nays	Yeas	Nave	
er -	, 0		TOTALS		. 000	,0	. 545	,0	. 545	,.			

H-83

Bill No. HB 49

ADOPTED ____(Y/N) ADOPTED AS AMENDED ____(Y/N)

COUNCIL/COMMITTEE ACTION

FAILED TO ADOPT __ (Y/N)

WITHDRAWN $\underline{\hspace{1cm}}$ (Y/N)

OTHER

1

2

4

5

6

7

8

9

10

11

12

13

14

16

17

18

19

20

21

22

Council/Committee hearing bill: Elder & Long Term Care Representative(s) Meadows offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. <u>Legislative intent; contract with corporation;</u> purposes and duties, reports.—

(1) It is the intent of the Legislature to foster the development of caregiving for frail elders and disabled adults as a nonlicensed paraprofessional activity that is critical to the provision of community-based and institutional care for frail elders and disabled adults who live in the community or in an assisted living facility licensed under part III of chapter 400, Florida Statutes, or an adult family-care home licensed under part VII of chapter 400, Florida Statutes, or who attend an adult day care center licensed under part V of chapter 400, Florida Statutes. It is the further intent of the Legislature to promote the use of nationally recognized best practices information by caregivers so as to improve the quality of care in the community and in long-term care facilities licensed by the state and to ensure some degree of uniformity of techniques,

Date of Time: Place:	ittee on: f Meeting	Elder and Long Term Care					BILL NO Subject Date Received Date Reported					e43	s pecialis.
		ACTION:											
Favo	rable				☐ Fav	orable wi	th		Amendr	nents			
Favo	rable with (Committee Substitute			□ Unf	avorable							
	oorarily Pas												
		seu				onsidered	1						
VOTE				Other Act	ion:								
	al Vote												
	Bill	<u> </u>	IEMBER		<u> </u>		ļ						
Yeas	Nays				Yeas	Nays	Yeas	Nays	Yeas	Nays	Yeas	Nays	
		Anderson, Tho							<u> </u>				
		Bullard, Edward											
		Clarke, Donna	Absent	Yea									
		Farkas, Frank	Absent	Yea									
		Legg, John	. 10 30.11	1000		<u> </u>	ļ						
/	1	Lopez-Cantera,	Carlos				<u> </u>						
	 	Machek, Richa			+	 	 						
	 	Sands, Franklin			+		-	-					
_	 				+	<u> </u>	<u> </u>						
<u> </u>	ļ	Gibson, Hugh (Chair)			ļ							
	ļ				<u> </u>								
					ļ	ļ							
					<u> </u>	ļ		<u></u>					
							i						
	<u> </u>												
····	<u> </u>		-										
	 				+								
					 	<u> </u>							
					 								
					-								
					 								
					ļ								
					ļ								
			•										
											ا		
						·			İ				
										1			
			.							+			
										-	-+		
	+											——	
					<u> </u>								
Yeas	Nays			i	Yeas	Nays	Yeas	Navel	Yeas	Navel	Yeas	Nave	
7	,	TC	TALS		. 500	,5	. 555	,0	. 505	,5	- 55		

Date of Time: Place:	Elder and Long Term Care 3 8 06 10:00 am Reed Hall (102 H08) MITTEE ACTION: rable rable with Committee Substitute Date Received Date Reported Favorable with Amendments Amendments Reconsidered									HB 94°		
☐ Temp	oorarily Pas	ssed			Rec	onsidered	i					
VOTE	.			Other Act	ion:							
Fina	al Vote	1			Ι							
	n Bill		MEMBER			MO					<u> </u>	
Yeas	Nays				Yeas	Nays	Yeas	Nays	Yeas	Nays	Yeas	Nays
		Anderson,										<u></u>
		Bullard, Ed	ward			1						
		Clarke, Do	nna									
		Farkas, Fra	ank Abser	+ 450								
	1	Legg, Johr	111130	11 104	1					1		
	1	Lonez-Can	tera, Carlos		- 		1					
1	 	Machek, R	ichard		+		 	 		 	 	<u> </u>
	1	Sands, Fra			 	 		<u> </u>		†		
V	1	Gibson, Hu			 		+	 	 	 	 	
<u> </u>	 	Gibson, Tit	gri (Criaii)		 			 				
	ļ				· · · · · ·		 	 				-
				·		!	<u> </u>		 			
	 					 		 				
			· · · · · · · · · · · · · · · · · · ·		-	ļ	ļ	-		ļ	<u> </u>	
	ļ					<u> </u>	ļ	<u> </u>		<u> </u>	<u> </u>	
						ļ <u> </u>	ļ	<u> </u>		ļ		
						ļ	ļ					
	ļ					ļ	<u> </u>			<u> </u>	<u></u>	
							ļ	ļ				
		<u> </u>			l		}					
								İ				
 							1	<u> </u>	l			
<u> </u>						1						
	 		A		†	-						
 				· · · · · ·		 		 		 		
-	 		· · · · · · · · · · · · · · · · · · ·	· · · · · · · · · · · · · · · · · · ·				-				
		<u> </u>			<u> </u>		<u> </u>	 			 	
						 						
						 	 					
<u> </u>												
	<u> </u>					<u> </u>						
	ļ				ļ	ļ						
	ļ							<u> </u>				
	ļ											
								<u> </u>				
												<u> </u>
Yeas	Nays		TOTALS		Yeas	Nays	Yeas	Nays	reas	nays	reas	nays

H-83

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES Amendment No. 1(for drafter's use only)

Bill No. 947

COUNCIL/COMMITTEE	ACTION
ADOPTED	(Y/N)
ADOPTED AS AMENDED	- (Y/N)
ADOPTED W/O OBJECTION	(Y/N) (Y/N)
FAILED TO ADOPT	(Y/N)
WITHDRAWN	(Y/N)

OTHER

Council/Committee hearing bill: Elder & Long-Term Care

Committee

Representative(s) Legg offered the following:

4

1

2

3

5

6

7

9

10 11

12 13

14 15

16 17

18 19

20

21

Amendment (with title amendment)

Remove everything after the enacting clause and insert:
Section 1. Section 409.9102, Florida Statutes, as created
by chapter 2005-252, Laws of Florida, is reenacted and amended
to read:

(Substantial rewording of section. See s.

409.9102, F.S., for present text.)

Agency for Health Care Administration, in consultation with the Office of Insurance Regulation and the Department of Children and Family Services, is directed to establish the Florida Long-Term Care Partnership Program, in compliance with the requirements of s. 1917(b) of the Social Security Act, as amended.

- (1) The program shall:
- (a) Provide incentives for an individual to obtain or maintain insurance to cover the cost of long-term care.

Committee on: Elder and Long Term Care 3\8\06 Time: Place: Elder and Long Term Care 3\8\06 10:00 AM Reed Hall (102 Hall			 (8)			NO ct Receive Reporte				
COMMITTEE ACTION: Fayorable				orable wil	ments					
Favor	able with 0	Committee Substitute	Unfa	avorable						
	orarily Pas		Rec	onsidered	j					
VOTE:		Other Act	ion:							
	l Vote	Calci Act			1 .1		4-		41-11	1.
	Bill	MEMBER	#1	WO	-#	2 4/1) *** 3	olw d	114	MO
Yeas	Nays		Yeas	Nays	Yeas	Nays	Yeas	Nays	Yeas	Nays
		Anderson, Thomas				I				
		Bullard, Edward								
1		Clarke, Donna								
		Farkas, Frank Absent Yea								
		Legg, John								
		Lopez-Cantera, Carlos								
		Machek, Richard								}
1	1	Sands, Franklin	1							
	1	Gibson, Hugh (Chair)							,	
			1							
				ľ						
···										
			<u> </u>							
				<u></u>						
						ļ				
			<u> </u>			ļ				
					ļ					
				<u></u> .				<u> </u>		
								ļi		
			ļ <u> </u>							
										
		<u> </u>								
Vaca	Nova		Vess	Nave	Vess	Nave	Yese	Nays	Yeas	Nave
reas	Nays	TOTALS	1003	Tays	1003	11093	1,000	1445	. 545	

H-83

Amendment No. 1 (for drafter's use only)

	Bill No. 1067								
	COUNCIL/COMMITTEE ACTION								
	ADOPTED (Y/N)								
	ADOPTED AS AMENDED (Y/N)								
	ADOPTED W/O OBJECTION (Y/N)								
	FAILED TO ADOPT (Y/N)								
	WITHDRAWN (Y/N)								
	OTHER								
1	Council/Committee hearing bill: Elder & Long-Term Care								
2	Committee								
3	Representative(s) Grimsley offered the following:								
4									
5	Amendment								
6	Remove line(s) 116 - 117 and insert:								
7	(7) (5) "Resident" means an individual 60 years of age or								
8	older who resides in a long-term care facility.								
9									
10									

000000

Page 1 of 1

HB 1067-1-Grimsley

Amendment No. 2 (for drafter's use only)

	Bill No.	106
COUNCIL/COMMITTEE ACTION		
ADOPTED (Y/N)		
ADOPTED AS AMENDED (Y/N)		
ADOPTED W/O OBJECTION(M)/N)		
FAILED TO ADOPT (Y/N)		
WITHDRAWN (Y/N)		
OTHER		
	and the second second section of the section of the second section of the second section of the second section of the second section of the second section of the second section of the second section of the second section of the second section of the second section of the second section of the section of the second section of the second section of the section	**************************************
Council/Committee hearing bill: Elder & Long-	Term Care	
Committee		
Representative(s) Grimsley offered the follow	wing:	
Amendment		
Remove line(s) 201 - 202 and insert:		
4. Serving as legal counsel to the state an	nd local	
ombudsman		

000000

Amendment No. 3 (for drafter's use only)

	Bill No. 1067								
	COUNCIL/COMMITTEE ACTION								
	ADOPTED (Y/N)								
	ADOPTED AS AMENDED(Y/N)								
	ADOPTED W/O OBJECTION <u>V</u> @ /N)								
	FAILED TO ADOPT (Y/N)								
	WITHDRAWN (Y/N)								
	OTHER								
1	Council/Committee hearing bill: Elder & Long-Term Care								
2	Committee								
3	Representative(s) Grimsley offered the following:								
4									
5	Amendment (with title amendments)								
6	Remove line(s) 442 - 443 and insert:								
7	3. A local council may recommend removal of its elected								
8									
9	======== T I T L E A M E N D M E N T =========								
10	Remove line(s) 20 - 21 and insert:								
11	state council; providing conditions for								

000000

Amendment No. 4 (for drafter's use only)

Bill No. HB 1067

COUNCIL/COMMITTEE ACTION ADOPTED ___ (Y/N) ADOPTED AS AMENDED ___ (Y/N) ADOPTED W/O OBJECTION ___ (Y/N) FAILED TO ADOPT ___ (Y/N) WITHDRAWN ___ (Y/N) OTHER

Council/Committee hearing bill: Elder & Long Term Care Committee Representative(s) Grimsley offered the following:

Amendment (with directory and title amendments)

Remove line(s) 976 - 984 and insert:

- (c) Medical and social records of the resident as necessary to investigate or resolve a complaint if:
- 1. A legal <u>representative guardian</u> of the resident refuses to give permission;
- 2. The office has reasonable cause to believe that the representative guardian is not acting in the best interests of the resident; and.
- 3. The state or local council member representative obtains the approval of the ombudsman.

1

2

3

4

5

6

7

9

10

11

12

13

14

Committee on: Date of Meeting Time: Place: COMMITTEE	Elder and Long Term Care 3 8 0 6 10:00 AM Red HAIL (102 H	Elder and Long Term Care 3 8 0 6 10:00 AM Reed HALL (102 HDB)			BILL NO Subject Date Received Date Reported			HB .	7027 R Long	-term Care Facilities
Favorable	ACTION.									
_			Favorable with Amendments							
Favorable with	Committee Substitute	Unf	Unfavorable							
Temporarily Pa	ssed	Rec	onsidere	d						
VOTE:	Other Ac	tion:								
Final Vote	T	1		Т		т		l		
on Bill	MEMBER	İ						1		
Yeas Nays		Yeas	Navs	Yeas	Navs	Yeas	Nays	Yeas	Navs	
	Anderson, Thomas	1	 	<u> </u>		<u>† </u>	1			
	Bullard, Edward		1	 	—	†	1	 		
	Clarke, Donna Absent Yea	1	1	†	 		 	l		
 	Farkas, Frank Absent Yea	1	+	+	+	1	-	<u> </u>	1	
	Legg, John	+	+	-	+	-	 		 	
	Lopez-Cantera, Carlos	-	 	-	+	1	-	 	+	
<u> </u>		+	 	+	+			-	 	
	Machek, Richard		 	+		 	<u> </u>			
	Sands, Franklin	 	 	_	-	-	ļ			
	Gibson, Hugh (Chair)	_	ļ	ļ	ļ	<u> </u>	 			
		_	↓	ļ			ļ		_	
			ļ	ļ	<u> </u>	ļ	ļ	ļ	-	
		<u> </u>	ļ	 	↓	 	ļ			
			ļ	<u> </u>	<u> </u>		ļ		<u> </u>	
				<u> </u>	<u> </u>	1	<u>.</u>		<u> </u>	
						ļ		<u> </u>	ļ	
							ļ			
			<u> </u>		ļ					
			J	J	<u> </u>	<u> </u>				
					<u> </u>					
		<u> </u>								
			-							
		T			1					
				T						
	,				Ī i					
				Ī						
		1			1					
				1						
		ĺ								
		İ						-		
				·						
Yeas Nays		Yeas	Nays	Yeas	Nays	Yeas	Nays	Yeas	Nays	
7	TOTALS									

H-83